

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

JOSEPH GUTIERREZ,

Defendant.

Case No. [11-cr-00108-SI-1](#)

**ORDER GRANTING RENEWED
MOTION FOR EARLY
TERMINATION OF SUPERVISED
RELEASE**

Re: Dkt. No. 114

Before the Court is defendant Joseph Gutierrez’s renewed motion for early termination of supervised release, filed November 23, 2021. Dkt. No. 114. A hearing is scheduled for December 17, 2021. For the reasons set forth below, the Court VACATES the hearing and GRANTS the motion. The Court instructs the government to terminate Gutierrez’s supervised release on January 31, 2022.

In the initial sentence, Gutierrez’s five-year term of supervised release would have ended in 2024. In August 2020, upon motion from the government, the Court agreed to reduce Gutierrez’s term of supervised release by one year, to end in 2023. Dkt. No. 104. Then in May 2021, Gutierrez filed a motion for early termination of supervised release. Dkt. No. 105.

The Court denied Gutierrez’s motion on July 7, 2021. Dkt. No. 113. In doing so, the Court “commend[ed]” Gutierrez’s good behavior, as evident by his graduation from the San Francisco Court Entry Program, his employment as a field operations manager for a moving company, membership in a local business community, participation in the Stanford Criminal Defense Clinic’s Social Work Collaborative, and his continued commitment to drug recovery and supporting to his family. *Id.* at 2. However, the Court found it significant that “defendant represented that his current success is the result of supervision.” *Id.* at 2-3. Accordingly, the Court denied the motion without

1 prejudice, suggesting that “[i]f defendant’s good behavior continued until December 2021, the Court
2 will look favorably on a further motion for early termination of supervised release.” *Id.* at 3.

3 On November 23, 2021, Gutierrez filed the renewed motion now pending before the Court.
4 Dkt. No. 114. The government filed an opposition to the motion, in which it stated that maintaining
5 the support of drug rehabilitation programming “and tapering supervision until at least August 2022
6 provides time to ensure [Gutierrez’s] continuing success rather than taking a chance by terminating
7 support that has helped bring him to where he is today.” Dkt. No. 115 at 2. The United States
8 probation office has not filed an opposition to early termination.

9 After careful consideration of the parties’ submissions and balancing of Gutierrez’s
10 continued good behavior with the government’s interest in his continued rehabilitation, the Court
11 GRANTS he motion and terminate supervised release effective January 31, 2022.

12
13 **IT IS SO ORDERED.**

14 Dated: December 13, 2021



15
16 SUSAN ILLSTON
17 United States District Judge
18
19
20
21
22
23
24
25
26
27
28